

## State Government & Tribal Affairs Committee

### HB 1517

**Brief Description:** Changing requirements for the restoration of the right to vote for people convicted of felonies.

**Sponsors:** Representatives Darneille, Green, Dickerson, Goodman, Ormsby, Roberts, Flannigan, Pedersen, Appleton, Upthegrove, Simpson, Hasegawa, Chase, Lias, Miloscia, Kagi, Hudgins, Hunt, Santos, Wood, Moeller, Williams, Kenney, Carlyle, Nelson and Quall.

#### Brief Summary of Bill

- Restores the right to vote to persons convicted of a felony in a Washington State Court when he or she ceases to be in the custody of the Department of Corrections.
- Restores the right to vote to persons convicted of a felony in a federal court or any state court other than a Washington state court as long as he or she is no longer incarcerated.

**Hearing Date:** 2/12/09

**Staff:** Tracey O'Brien (786-7196)

#### Background:

The Washington Constitution prohibits persons convicted of an “infamous crime” from voting unless his or her civil rights are restored. “Infamous crime” is defined as a crime punishable by death or imprisonment in a state correctional facility.

A county auditor must cancel a person's voter registration upon receiving official notice of that person's conviction from a state or federal court. The Secretary of State (SOS), in conjunction with appropriate state agencies, arranges for a quarterly comparison of a list of known felons with the statewide voter registration list. If a match is found, the SOS or county auditor suspends the voter registration and sends notice of the proposed cancellation to the last known registration

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

address. If the person does not respond within 30 days, the registration is cancelled.

A criminal sentence pursuant to a felony conviction may include: a term of incarceration, community custody, an obligation to pay legal financial obligations (LFOs), or a combination of incarceration, community custody, and LFOs. Legal financial obligations can include victim restitution, crime victims' compensation fee, costs of defense, court appointed attorneys fees, and fines.

If a person completes all the requirements of his or her sentence while under the supervision of the DOC, the DOC must notify the sentencing court. If the person completes all the requirements of his or her sentence, except payments of LFOs, the DOC must notify the county clerk. Once the person has completed payment of his or her LFOs, the county clerk must then notify the sentencing court. When the court receives adequate notification that the offender's sentence has been completed, it must issue the person a certificate of discharge, which restores most of the person's civil rights, including the right to vote.

**Summary of Bill:**

For persons convicted of a felony in a Washington court, the right to vote is restored so long as the person is not under the authority of the DOC. A person is “under the authority of the DOC” if the person is serving a sentence of confinement in the custody of the DOC, or is subject to community custody, community placement, or community supervision.

For persons convicted of a felony in a federal court or any state court other than a Washington court, the right to vote is restored so long as he or she is no longer incarcerated.

Although the right to vote is restored, he or she must re-register to vote with the SOS or the county auditor.

At least twice a year, the SOS must compare the list of registered voters to a list of felons who are under the authority of the DOC. The requirement that the clerk of the court shall send a notice of conviction within 14 days of the entry of a judgment of conviction to the county auditor or custodian of voting records for the county of the defendant’s residence is eliminated.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.